

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CF 135 Flat LLC,

Plaintiff,

—v—

Triadou SPV (N.A.) *et al.*,

Defendants.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: **MAY 09 2016**

15-CV-5345 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

In the past four days, the Court has received four letters from the parties addressing the witness affidavits submitted by Almaty and BTA Bank and the continuing necessity of an evidentiary hearing in light of the Monitorship imposed by the state court. After reading these letters, the Court directs the parties to respond to the inquiries below.

The Witness Affidavits

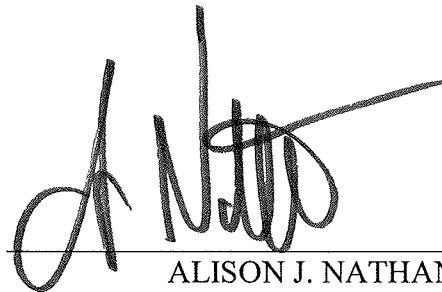
In an order dated April 27, 2016, the Court directed Almaty and BTA Bank to submit their witness affidavits for the preliminary injunction evidentiary hearing no later than May 2, 2016. Dkt. No. 122. While Almaty and BTA Bank represent that they obtained the signed affidavits of two witnesses at 8:37 p.m. on Tuesday, May 3, 2016, they did not submit these affidavits to Triadou or the Court until 4:08 p.m. on Wednesday, May 4, 2016. Dkt. No. 135 Ex. 2 at 1. Almaty and BTA Bank shall submit a letter (limited to 2 pages) no later than May 11, 2016 explaining their delay in providing these materials to Triadou and the Court.

The Scope of the Requested Injunction

In their motion for a preliminary injunction, Almaty and BTA request that the Court issue “an order enjoining [Triadou] from enforcing any judgments” from the relevant state court proceedings. Dkt. No. 106 at 2; Dkt. No. 15 at 15. Almaty and BTA argue that even if the Monitorship does not establish irreparable harm to the Flatotel project, the “independent harm[]” of “asset flight” justifies injunctive relief. Dkt. No. 136 at 5-6. Almaty and BTA Bank shall submit a letter (limited to two pages) no later than May 11, 2016 addressing why the appropriate remedy if they establish the irreparable injury of asset flight is enjoining Triadou from enforcing its judgments instead of enjoining it from transferring assets out of the jurisdiction. Triadou shall submit any responsive letter (limited to two pages) no later than May 13, 2016.

SO ORDERED.

Dated: May 9, 2016
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written over a horizontal line.

ALISON J. NATHAN
United States District Judge